



Office of the
Public Guardian

WITHDRAWN

Form OPG108

Apply for a refund of deputyship fees



Fill in this form to apply for a refund of deputyship fees:

- on behalf of someone who used to have a deputy
- if you had a deputy and now make your own decisions

Where to send the completed form

Email the form to: DeputyshipFeeRefunds@justice.gov.uk

Please write 'Deputyship fee refund application' as the subject

Post to:

Deputyship Fee Refunds
Office of the Public Guardian
PO Box 10796
Nottingham
NG2 9WF

To get this form in Welsh (Cymraeg), email OPG at: customerservices@publicguardian.gov.uk

Guidance **WITHDRAWN**

Terms we use

Administrator – someone who has applied to deal with an estate when someone did not make a will.

Attorney – a person named in a property and financial affairs lasting power of attorney, to make decisions on someone's behalf.

Client – a person who had a deputy because they lacked mental capacity to make certain decisions.

Deputy – someone appointed by the Court of Protection to make decisions for a client.

Deputyship fees – a general term to cover the assessment fee paid at the start of a deputyship, and supervision fees paid in every year of the deputyship.

Executor – someone named in a will, or in an update to the will (a 'codicil'), as a person who can deal with an estate.

Family members – people who are related to the client but not acting as their executor or administrator.

Background

This scheme covers deputyship fees paid between 1 April 2008 and 31 March 2015.

The Office of the Public Guardian (OPG) is running this scheme on behalf of the Ministry of Justice.

Applying on behalf of a client

If there is no executor or administrator, family members can apply for a refund.

We accept applications from family members in the order listed on page 6.

Before you make an application, please check there's no one higher on the list who can apply. If there is, they should apply.

How we pay you

The quickest way to get a refund is by bank transfer. We can only pay into UK accounts.

If you're an attorney applying on behalf of a client, the bank account needs to be in the client's name.

If you do not give us your bank details, we'll send a cheque to your address instead.

The refund must be paid to the client's estate.

Refund amounts

We calculate refunds based on how a client paid their fees, and for how long.

We also consider:

- whether the client received exemptions, remissions or fee waivers
- whether any fees went unpaid

In some cases, it will cost more to make an application than you'll get in a refund. OPG is not responsible for any costs or expenses you incur by applying.

Keeping you informed

We'll let you know the progress of your application by email or letter. We'll tell you:

- when your application has been received
- if any information is missing
- when a decision is made
- the refund amount and when it'll be paid

We will not use your information for any other purpose.

Your personal data

We are serious about protecting your personal data. For information on how we do this, including how to withdraw your consent to us using your data to process this application, see our **personal information charter** on GOV.UK

How to apply

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1 Start your application

A Everyone fills in part A

B Executors, administrators, attorneys and family members fill in part B

C Family members fill in part C

D Everyone fills in part D

2 Collect your evidence

- proof of your name and address
- proof that you are eligible to apply for a refund

3 Submit your application

Email it to:
DeputyshipFeeRefunds@justice.gov.uk

Or post it to:

Deputyship Fee Refunds
Office of the Public Guardian
PO Box 10796
Nottingham
NG2 9WF

4 We process your application

It can take up to 10 weeks to get a decision and a further 2 weeks to receive your refund

Email your application

The quickest way to submit your application is by email.

You'll need to attach scanned copies or clear photographs of original documents.

The total file size for the email must be less than 10MB.

Post your application

You can either fill in the form online or print off a blank copy and complete it by hand.

Please use a black pen and write in capital letters if you fill in the form by hand. If we cannot read your writing it could delay the application.

You'll also need to send us your evidence.

You do not need to send original documents, but please make sure copies are clear enough to read and include all pages.

We'll take copies of any original documents and return them to you.

Get this form in an alternative format

To request this form in braille, audio or large print, email :

customerservices@publicguardian.gov.uk

Please include:

- your name
- address
- telephone number
- the name or number of the form you want

Further information

Telephone: 0300 456 0300 (option 6)

Calling from outside the UK:

+44 (0)203 518 9639

Relay UK (if you cannot hear or speak on the phone): 18001 0300 123

(open 9am to 5pm weekdays, except Wednesday 10am to 5pm)



Everyone fills in part A

A

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Apply for a refund of deputyship fees

OPG reference number (if known)

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OPG reference numbers are 7, 8 or 12 digits long

You might have an OPG reference number on a letter from OPG about the deputyship

Your details

Title

--

First names

--

Last name

--

Address

Postcode

--

Email (optional)

--

Telephone (optional)

--

If you're named on the deputy court order but have since changed your name, please call us on 0300 456 0300 (option 6)

By giving your details in part A, you agree that OPG can use your information to process this application and contact you about it

You can withdraw your consent at any time – see our **personal information charter** for more details

Are you the client? (did you have a deputy in the past?)

☐ Yes, I'm the client

If yes, tell us your date of birth

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Day Month Year

Now go to **part D**

☐ No, I'm not the client

Now go to **part B**



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The client's details

Title

First names

Last name

Any other names the client was known by

Date of birth

Day Month Year

Address at the time the deputyship ended

Postcode

You do not need to fill in this section if you used to have a deputy to make decisions on your behalf – you can go straight to **part D**

If you do not know the address when the deputyship ended, tell us the last address you know for the client

Has the client died?

Yes, the client has died and I am applying for a refund as:

☐

an executor of their will

☐

an administrator of their estate (there is no executor)

☐

a family member (there is no executor or administrator)

Date of client's death

Day Month Year

No, the client has not died and I am:

☐

their attorney, acting legally under a registered property and financial affairs lasting power of attorney



Not sure if you're an executor or family member?

Some applicants will fit into more than one category

In this form, you should only apply as a family member if you're **not** an executor or administrator

If you're applying as a family member of the client go to **part C**

If you're applying as an executor, administrator or attorney go to **part D**





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Relationship to the client

Where there is no executor or administrator for the client, we accept applications from family members in the priority order below. Before you apply, please check there is no one higher on the list who can apply instead.

I am the client's: (please tick one)

- ☐ 1. husband, wife or civil partner
- ☐ 2. child or grandchild
- ☐ 3. mother or father
- ☐ 4. brother or sister who share the same mother and father, or their children (nieces and nephews of the client)
- ☐ 5. half-brother or half-sister ('half' means you share only one parent with the client)
- ☐ 6. grandparent
- ☐ 7. uncle or aunt, or their children (first cousins of the client)
- ☐ 8. other – please tell us how you are related to the client



Remember: if you're an executor or estate administrator for the client, you do not need to fill in this section, even if you're related to the client



If you're not a blood relative of the client – for example, you're a step-relative or you lived with the client as a partner but were not married to them – tick 'other'

Statement of truth

- There are no executors named in the client's will, or anyone who holds letters of administration, who can make an application instead of me
- I have discussed this application with other beneficiaries or family members, where it was appropriate to do so
- I am entitled to apply for a refund on behalf of the client's estate
- I will make sure that any refund paid to me is shared appropriately in accordance with the client's wishes, where these are known
- I know I could be breaking the law if I knowingly provide incorrect information in my application

☐ **I agree with the statement of truth** (please tick)



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Evidence to include

To support your application, we need to see evidence of your:

1. Name
2. Address
3. Right to apply for a refund (clients do not need to provide this)

You cannot use the same piece of evidence to prove your name and address.

1. Proof of your name (choose one)

- Current signed passport (copy of the page showing your name and photograph)
- Original birth or adoption certificate
- Current UK or EEA photocard driver's licence (not provisional licence)
- Full old-style driving licence
- EEA member state identity card or national identity photo card
- Benefit book or original notification letter from the benefits agency

2. Proof of your address (choose one)

- Utility bill (not a mobile phone bill) from the last 12 months
- Current council tax bill
- Bank, building society or credit union statement or passbook dated within the last 3 months
- Original mortgage statement issued for the last full year
- Council or housing association or rent card or tenancy agreement for the current year

3. Proof of your right to apply for a refund

Executors – send us a copy of the grant of probate

Administrators – send us a copy of the letters of administration

Attorneys – tell us the reference number of the registered LPA

Family members – send us a copy of the client's death certificate



We need **clear copies** of documents – you do not need to send originals

Tell us on the next page what evidence you're sending with your application





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Evidence to include

Please tick one box only

- ☐ **I am the client** and have included proof of my name and address
- ☐ **I am an executor** and have included proof of my name and address **and** a copy of the grant of probate
- ☐ **I am an administrator** and have included proof of my name and address **and** a copy of the letters of administration
- ☐ **I am an attorney** and have included proof of my name and address **and** written the reference number of the client's registered property and financial affairs LPA below

Reference numbers can be 7 or 12 digits long

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- ☐ **I am a family member** and have included proof of my name and address **and** a copy of the client's death certificate (we need a copy of the death certificate even if OPG has seen it before)



Not sure what evidence to send with your application?

Call our helpline on
0300 456 0300 (option 6)
Lines are open weekdays
9am and 5pm (Wednesdays
10am to 5pm)

How to send us your evidence

Applying by email:

You can scan your evidence if you have a scanner attached to a computer. You can also take clear photographs of the evidence and attach the images to the email you send to us.

If applying by email, make sure the total size of the email is not more than 10MB.

Applying by post:

Send us good quality photocopies of your evidence. You can send black and white or colour photocopies. We do not need to see original documents.

If you cannot photocopy your documents, you can send originals at your own risk. We'll return them to you by post once we've scanned them.



If you're not sure how to attach your evidence to an email, ask someone you trust to help you



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Payment details

Tell us how you want any refund be paid.

If you're an attorney applying for a refund on behalf of a client, the refund must be paid into a UK bank account owned by the client.

Please pay any refund by: (choose one)

☐

Bank transfer (the quickest way to get a refund is by bank transfer)

Bank or building society name

Account name

Account number (this must be a UK bank account)

Sort code

☐

Cheque – we'll send a cheque to your address

If you do provide valid bank account details, we'll send you a cheque instead

If you ask for a bank transfer and the payment is rejected by the bank or fails for any reason, we'll send you a cheque instead

Dividing a refund between the client's beneficiaries

If you apply for a refund on behalf of someone who has died, it's your responsibility to divide any refund with their beneficiaries.

Once any debts and taxes have been paid, you can distribute the refund as detailed:

- in the client's will
- by the law, if there's no will

If you're an executor or administrator and the client's estate has already been settled, you can seek advice to make sure you comply with the law. If you're not sure how to act, you can speak to an organisation such as Citizens Advice or a charity supporting older people. You can also ask a solicitor.



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Declaration

☐

I intend to apply for a refund of deputyship fees.

I'm entitled to apply for a refund of deputyship fees paid on my behalf, or on behalf of the person named in part B.

I know of no reason why I cannot apply for a refund and I confirm that to the best of my knowledge, all the information I have provided in my application is correct and complete.

In signing this declaration I consent that OPG can use my data for the purposes of processing the refund application. (please tick)

Full name

Date

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Day

Month

Year

What's next?

You can save this form to your own computer by pressing 'File', 'Save As' and then choosing a location on your computer where you want to store it.

Saving the form means you do not have to complete it in one session.

Once you've finished the form, email it with your evidence to:

DeputyshipFeeRefunds@justice.gov.uk

Or print off the form and post it, with your evidence, to:

Deputyship Fee Refunds
Office of the Public Guardian
PO Box 10796
Nottingham
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We'll contact you to let you know we've received your application.

You'll get a decision about a refund within 10 weeks.